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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STEVENS, ROBERTA A

ART UNIT PAPER NUMBER

2665

DATE MAILED: 03/11/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,696

Applicant(s)

DOUGHERTY ET AL.

Examiner

Roberta A Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-19 and 28-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Aras (U.S. 5872588).

3. Regarding claim 10, Aras teaches (figure 1a, 1b, 4a and 4b) a method of distributing high-speed information packets to at least one subscriber unit, each information packet associated with an information channel, comprising routing each information packet through a distributed network of routing elements in wireless communication with at least one other routing element in the network of routing elements; receiving each information packet in a distribution center in communication with the distributed network of routing elements; forwarding each information packet to each subscriber unit (111) in communication with the distribution center (107) and requesting the information channel of which the information packet is associated (column 4, line 40 – column 5, line 33).

4. Regarding claims 11 and 37, Aras teaches (column 6) the packets contain video information.

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5. Regarding claim 12, (figure 1a) routing each information packet through a distributed network of distribution points; and transmitting each information packet operative to communicate with a plurality of subscriber units (111).

6. Regarding claims 13 and 39, (figure 1a) at least one distribution point is operating as a distribution center.

7. Regarding claims 14 and 40, (figure 1a) at least one access point is operating as a distribution center.

8. Regarding claim 15, (columns 5-6) receiving a request from a subscriber unit to access an information channel; requesting transmission of the requested information channel if no other subscriber unit is receiving the requested information channel; and noting that the requesting subscriber unit is receiving the requested information channel.

9. Regarding claims 16 and 42, (columns 4-5) receiving a request from a subscriber unit comprises determining that the requesting subscriber unit is within the coverage area of a distribution center.

10. Regarding claims 17 and 43 (columns 4-5) receiving a request from a subscriber unit comprises receiving a message from a subscriber unit.

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11. Regarding claims 18 and 44 (column 20, lines 55-68) transmitting a dummy address as the destination for the requested transmission of the required information channel.

12. Regarding claims 19 and 46 (columns 5-6) determining that a subscriber unit is no longer accessing the information channel; canceling transmission of the information channel if no other subscriber unit is receiving the information channel; and noting that the subscriber unit is no longer receiving the information channel.

13. Regarding claim 28, Aras teaches (figures 1a and 1b and columns 4-6) a system for providing packetized video information to a plurality of subscriber unit (111) comprising a distributed routing network, the distributed routing network comprising a plurality of distribution points, each distribution point in the plurality of distribution points in radio contact with at least one other distribution point in the plurality of distribution points, at least one other distribution points functioning as a video distribution center.

14. Regarding claim 29, Aras teaches (figures 1a and 1b and columns 4-6) at least one of the distribution points is operative to receive requests for video content from at least one subscriber unit and forward the requests to at least one video supplier.

15. Regarding claim 30, Aras teaches (figures 1a and 1b and columns 4-6) at least one distribution center forwards video information packets comprising a video channel to each subscriber unit served by the video distribution center requesting the video channel.

16. Regarding claim 31, Aras teaches (figures 1a and 1b and columns 4-6) a system for providing packetized video information to a plurality of subscriber units comprising: a distributed routing network, the distributed routing network comprising a plurality of distribution points, each distribution point in the plurality of distribution points in radio contact with at least one other distribution point in the plurality of distribution points; and at least one access point in communication with the distribution routing network functioning as a video distribution center.

17. Regarding claim 32, Aras teaches (figures 1a and 1b and columns 4-6) at least one of the access points is operative to receive requests for video content from at least one subscriber unit and forward the requests to at least one video supplier.

18. Regarding claim 33, Aras teaches (figures 1a and 1b and columns 4-6) at least one access center forwards video information packets comprising a video channel to each subscriber unit served by the video distribution center requesting the video channel.

19. Regarding claim 34, Aras teaches (figures 1a and 1b and columns 4-6) at least one access point is operative to receive a request to access a video channel from a subscriber unit; determine if the requested video channel is currently being accessed by another subscriber unit served by the access point; and if the requested video channel is not currently being accessed by another subscriber unit served by the access point, forwarding the request to a video supplier.

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20. Regarding claim 35 Aras teaches (figures 1a and 1b and columns 4-6) receive a video information packet from at least one video supplier; determining if the received video packet corresponds to a video channel requested by more than one subscriber unit; and forward the video packet to each subscriber unit requesting the video channel.

21. Regarding claim 36, Aras teaches (figure 1a, 1b, 4a and 4b) a system for distributing high-speed information packets to at least one subscriber unit, each information packet associated with an information channel, comprising: a distributing network of routing elements for routing each information packet, in wireless communication with at least one other routing element in the network; and at least one distribution center in communication with the distributed network of routing elements and with at least one subscriber unit, each distribution center forwarding each information packet to each subscriber unit requesting the information channel associated with each information packet (columns 5-8).

22. Regarding claim 38, Aras teaches (figure 1a) the distributed network of routing elements comprising: a distributed network of distribution points operative to route each information packet; and at least one access point operative to communicate with a plurality of subscriber units.

23. Regarding claim 41, Aras teaches (figure 1a) the at least one distribution center receives a request from a subscriber unit to access an information channel an request transmission of the requested information channel if no other subscriber unit is receiving the requested information channel.

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24. Regarding claim 45, Aras teaches (figure 1a) at least one distribution center notes that the requesting subscriber unit is receiving the requested information channel.

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

27. Claims 20-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aras in view of Norman (U.S. 6049533).

28. Regarding claims 20-22, Aras (columns 5-6) a system for providing high-speed packetized information comprising a distributed routing network, the distributed routing network comprising a plurality of distribution points, each distribution point in the plurality of

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distribution points in radio contact with at least one other distribution point in the plurality of distribution points, at least one other distribution points comprising at least one HDT.

29. As for a converting to optical format Aras does not teach optical format.

30. Norman teaches using other means of wireless connections such as optical links. It would have been obvious to one of ordinary skill in this art to adapt to Aras' system optical fiber as a means for wireless connection as it is well known

31. Regarding claim 23, (figures 1a and 1b and columns 5-7) at least one subscriber unit is in communication with the at least one access point through a network interface device.

32. Regarding claim 24, (columns 5-7) at least one access point functions as a video distribution center.

33. Regarding claims 25, as for VDSL service, it would have been obvious to one of ordinary skill in this art to adapt to both Aras and Norman's system as they are well known in the art.

34. Regarding claim 26, (columns 5-7) the information includes video information.

35. Regarding claim 27, (columns 5-7) at least one distribution point functions as a video distribution center.

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Conclusion

36. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

38. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

39. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9306


For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

03-03-04


STEVEN H. D. NGUYEN
PRIMARY EXAMINER